

**United States Department of the Interior  
Bureau of Land Management**

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**Categorical Exclusion Not Established By Statute**

**DOI-BLM-UT-Y020-2016-0033-CX**

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**April 2016**

**The Sutherland Institute – Film Permit  
UTU-91657**

***Locations:***

Proposed locations include existing pullouts and disturbed areas along County Road B258 in Fry Canyon, Junction Ruins in Grand Gulch, existing pullouts and disturbed areas along Valley of the Gods Road, and the petroglyph panel at Sand Island Campground.

***Applicant/Address:***

The Sutherland Institute  
15 W. South Temple, Suite 200  
Salt Lake City, UT 84101

Bureau of Land Management  
Monticello Field Office  
365 North Main Street (P.O. Box 7)  
Monticello, Utah 84535  
Phone: 435-587-1500  
Fax: 435-587-1518



**CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING  
CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE**

**A. Background**

BLM Office: Monticello Field Office

Lease/Serial/Case File No: UTU-91657

Proposed Action Title/Type: Film Permit

Locations of Proposed Action:

Salt Lake Meridian, Utah

T. 36 S., R 16 E.,

sec. 28, S1/2NE1/4, E1/2SE1/4,

T. 38 S., R 18 E.,

sec. 4, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4,

T. 41 S., R 18 E.,

sec. 01,

T. 40 S., R 21 E.,

sec. 033, N1/2SW1/4, and lots 5 thru 8.

The areas above are generally described as County Road B258 in Fry Canyon, Junction Ruins in Grand Gulch, Valley of the Gods Road, and Sand Island Campground.

Description of Proposed Action:

On April 8, 2016, The Sutherland Institute, filed film permit application UTU-91657 proposing 3 days of filming between April 28 and April 30, 2016. The application proposed the following filming activities:

1. Motion picture filming of surrounding landscapes.
2. Interviews of Native Americans about their love of the Bears Ears.
3. Filming would be conducted with 3 handheld cameras. No drone was proposed in the application.
4. All filming will take place from designated roads, existing pull outs, and trails.

The following schedule was included with the application:

**Thursday, April 28**

- Grand Gulch (Junction Ruin)
- Fry Canyon (At existing pullouts and disturbed areas along County Road B258)

**Friday, April 29**

- Valley of the Gods (At existing pullouts and disturbed areas along County Road B242)
- Sand Island Campground (Petroglyph panel within campground)

## B. Land Use Plan Conformance

Land Use Plan Name: Monticello Field Office RMP, Approved November 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

LAR-6

Filming permit authorizations are subject to Public Law 106-206. Applications for filming permits in the Monticello PA will be limited to existing highways, roads, and pullouts and previously disturbed or cleared areas throughout the Field Office (including Valley of the Gods, Moki Dugway, Highway 211, Newspaper Rock, and Highway 95) and will have to meet ..... criteria of minimal impact to be approved without any NEPA analysis.

## C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9(E)19. This reference states "issuance of short-term (3 years or less) rights-of-way or land use authorizations... where the proposal includes rehabilitation to restore the land to its natural or original condition."

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 will apply.

## D. Contact Person

For additional information concerning this CX review, contact

Chris Ransel  
Realty Specialist  
Monticello Field Office  
435-587-1522

## E. Signature

Authorizing Official:

  
Donald K Hoffheins  
Field Manager

Date:

4/27/16

## F. Attachments

- Categorical Exclusion Review Record

**Categorical Exclusion Review Record**  
**The Sutherland Institute - Film Permit UTU-91657**  
**DOI-BLM-UT-Y020-2016-0033-CX**

| Resource                                     | Yes/No*   | Assigned Specialist<br>Signature | Date           |
|--|-----------|----------------------------------|----------------|
| Air Quality                                  | No        | CGiffen                          | 4/25/16        |
| Areas of Critical Environmental Concern      | No        | C. Worth                         | 4/25/16        |
| Cultural Resources                           | <i>No</i> | Cameron Cox                      | <i>4/27/16</i> |
| Environmental Justice                        | No        | C. Ransel                        | 4/26/16        |
| Farm Lands (prime or unique)                 | No        | Jed Carling                      | 4/27/16        |
| Floodplains                                  | No        | Jed Carling                      | 4/27/16        |
| Invasive Species/Noxious Weeds               | No        | Nephi Noyes                      | 4/26/16        |
| Migratory Birds                              | No        | M. Scott                         | 4/25/16        |
| Native American Religious Concerns           | <i>No</i> | Cameron Cox                      | <i>4/27/16</i> |
| Threatened, Endangered, or Candidate Species | No        | M. Scott                         | 4/25/16        |
| Wastes (hazardous or solid)                  | No        | J. Brown                         | 4/26/16        |
| Water Quality (drinking or ground)           | No        | M. Scott                         | 4/25/16        |
| Wetlands / Riparian Zones                    | No        | Jed Carling                      | 4/27/16        |
| Wild and Scenic Rivers                       | No        | C. Worth                         | 4/25/16        |
| Wilderness/WSA                               | No        | C. Worth                         | 4/25/16        |
| Other:                                       |           |                                  |                |

\*Extraordinary Circumstances apply.

Environmental Coordinator



Date:

*4/27/16*

## **Approval and Decision**

### **The Sutherland Institute - Film Permit UTU-91657 DOI-BLM-UT-Y020-2016-0033-CX**

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the Monticello Field Office RMP, approved November 2008, and that no further environmental analysis is required.

It is my decision to grant land use permit UTU-91657 The Sutherland Institute of Salt Lake City, UT, pursuant to the authority of Section 302(b) of P.L. 579, October 21, 1976 (43 U.S.C. 1732). The permit will authorize 2 days of filming at 4 locations on public lands within the Monticello Field Office between April 28 and April 30 of 2016.

The permit will be made under the authority of and be subject to the terms and conditions in 43 CFR 2920 and rental payment as determined by the film permit schedule (Instruction Memorandum UT 2010-043). The permit also will be subject to the standard stipulations of the land use permit

#### **Rationale:**

The proposal meets the criteria for minimum impact filming because no disturbance is proposed and no impacts were identified by the BLM Interdisciplinary Team. The proposed activities would typically be considered casual use if it were not for the commercial nature of the project. This decision is a full force and effect decision per the guidance in WO Instruction Memorandum 96-148 and the regulations at 43 CFR 2920.2-2.

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay. Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at 365 North Main Street (P.O. Box 7), Monticello, Utah. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,

3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

Authorizing Official: \_\_\_\_\_

  
Donald K. Hloffheins, Field Manager

Acting

Date: \_\_\_\_\_

4/27/16